

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JON ABBOTT,

Plaintiff,

vs.

HOME DEPOT USA, INC.,

Defendant.

Case No. 2:10-cv-00972-LRH-PAL

ORDER

The parties submitted a Stipulated Protective Order (Dkt. #21) governing confidentiality of documents disclosed in discovery in this case. The court has approved the proposed protective order with the exception of paragraph 9 which outlines a procedure for filing documents or things with the court designated as confidential. The parties propose that confidential materials filed with the court “shall be maintained in camera by filing the same in the clerk’s office in a sealed envelope or other appropriate sealed container . . .” Paragraph 9 and the procedure it proposes is not approved.

Since the implementation of the court’s CM/ECF system, the electronic record is the only official record of the court. With few exceptions, not relevant here, the clerk’s office not longer maintains paper filed. Materials submitted to the court in camera are not part of the official record, and are therefore not preserved for appeal. The parties may initially file protected materials under seal without leave of court following the court’s CM/ECF procedures, but must contemporaneously seek leave of court to keep the documents sealed.. Counsel are directed to the Ninth Circuit’s decision in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), for th showing that must be


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1 made to keep documents filed with the court under seal to remain under seal.

2 Dated this 10th day of February, 2011.

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5 Peggy A. Leen
6 United States Magistrate Judge
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